

**Sim, Hughes, Ashton & McKay LLP**  
Barristers & Solicitors

**Sim & McBurney**  
Patent & Trade Mark Agents

6<sup>th</sup> Floor, 330 University Avenue  
Toronto, Ontario, Canada M5G 1R7

**Tel. (416) 595-1155 • Fax (416) 595-1163**

**RECEIVED**  
**CENTRAL FAX CENTER**

**FEB 17 2004**

**DATE: February 16, 2004**

**Your Ref: -**

**Our Ref: 4767-179 LAB**

**OFFICIAL**

TO:	FAX #	PHONE #
Petitions Office	(703) 872-9306	

Total Number of Pages (Including This Page): 10

**FROM: Lola A. Bartoszewicz / (416) 595-1155 Ext. 200**

**COMMENTS:**

**Re: United States Patent Application Serial No. 08/737446**

**Applicant: DUPRE, John**

**Title: Treatment of Diabetes**

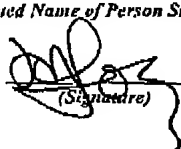
Attached hereto please find our Petition For Revival of an Application For Patent Abandoned Unintentionally Under 37CFR 1.137(b).

Regards.

We are transmitting from a Xerox Telecopier 7032, 7020 or Workcentre Pm 745 - Group 3 which are compatible with Groups 1 and 2 and fully automatic on a 24 hour basis. If any part of this message is received poorly or missing please call the telecopier operator immediately at (416) 595-1155.

**Confidentiality Notice**

This message is intended only for the use of the individual person or entity to which it is addresses and may contain information that is privileged and confidential. If the reader of this message is not the intended recipient or the agent responsible for delivering the message to the intended recipient, you are hereby notified that any disclosing, copying, distributing or the taking of any action in reliance on the contents of this communication is prohibited. If you have received this communication in error, please notify us immediately by telephone (call collect) and return the original message to us at the above address via the postal service. Thank you.

<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b>			Docket No. 4767-179 LAB
Applicant(s): DUPRE, John			
Serial No. 08/737,446	Filing Date January 10, 1997	Examiner Patrick J. Nolan	Group Art Unit 1644
Invention:			
Treatment of Diabetes			
<p>I hereby certify that this <u>Petition For Revival of an Application For Patent Abandoned Unintentionally</u> (Identify type of correspondence)</p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703-872-9306</u>)</p> <p>on <u>February 16, 2004</u> (Date)</p> <p><u>Monica Lopez</u> (Typed or Printed Name of Person Signing Certificate)</p> <p> (Signature)</p>			
Note: Each paper must have its own certificate of mailing.			

<b>Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Small Entity)</b>			<b>Docket No. 4767-179 LAB</b>
In Re Application Of: <b>DUPRE, John</b>			
Serial No. <b>08/737,446</b>	Filing Date <b>January 10, 1997</b>	Examiner <b>Patrick J. Nolan</b>	Group Art Unit <b>1644</b>
Invention: <b>Treatment of Diabetes</b>			
<u>Attention: Office of Petitions</u> <b>COMMISSIONER FOR PATENTS</b> <u>P.O. Box 1450</u> <u>Alexandria, VA 22313-1450</u>			
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.			
The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.			
<b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</b>			
NOTE: A grantable petition requires the following items: <ul style="list-style-type: none"> <li>(1) Petition fee;</li> <li>(2) Reply and/or issue fee;</li> <li>(3) Terminal disclaimer with disclaimer fee—required for all utility and plant applications filed before June 8, 1995; and for all design applications; and</li> <li>(4) Statement that the entire delay was unintentional.</li> </ul>			
1. <input checked="" type="checkbox"/> A proposed reply to the above-identified Office Action: <div style="margin-left: 20px;"> <input checked="" type="checkbox"/> is enclosed.    <input type="checkbox"/> was filed on _____         </div> <div style="margin-left: 20px;">           The proposed reply is in the form of: _____         </div>			
2. <input type="checkbox"/> The issue fee: <div style="margin-left: 20px;"> <input type="checkbox"/> is enclosed.    <input type="checkbox"/> was paid on _____         </div>			
3. <input checked="" type="checkbox"/> A small entity declaration: <div style="margin-left: 20px;"> <input type="checkbox"/> is enclosed.    <input checked="" type="checkbox"/> was filed on <u>January 10, 1997</u> </div>			
4. <input type="checkbox"/> The abandoned application was a: <div style="margin-left: 20px;"> <input type="checkbox"/> design application.    <input checked="" type="checkbox"/> utility application.    <input type="checkbox"/> plant application.         </div>			
5. <input type="checkbox"/> A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.			
6. <input checked="" type="checkbox"/> Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.			

**Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**Docket No.  
**4767-179 LAB**

In Re Application Of:

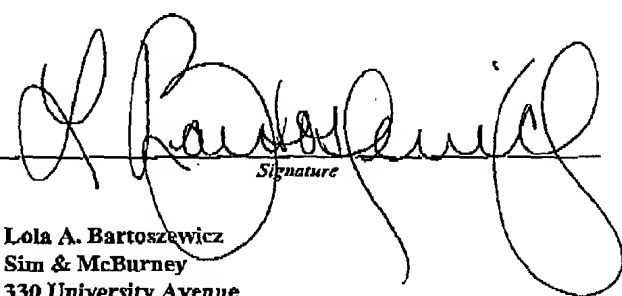
**DUPRE, John**Serial No.  
**08/737,446**Filing Date  
**January 10, 1997**Examiner  
**Patrick J. Nolan**Group Art Unit  
**1644**

Invention:

**Treatment of Diabetes****Calculation and Payment of Fees**

Enclosed are the following fees:

7. ☒ Petition fee under 37 CFR 1.17(m) in the amount of:\$665.008. ☐ Fee for amendment in the amount of:9. ☐ Fee for extension of time to reply to Office Action in the amount of:10. ☐ Issue fee in the amount of:11. ☐ Continuing application filing fee in the amount of:12. ☐ Terminal disclaimer fee in the amount of:13. ☐Total fees enclosed: \$665.00The fee of **\$665** is to be paid as follows:☐ A check in the amount of the fee is enclosed.☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **19 2253**.

<b>Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Small Entity)</b>			<b>Docket No. 4767-179 LAB</b>
In Re Application Of: <b>DUPRE, John</b>			
<b>Serial No.</b> 08/737,446	<b>Filing Date</b> January 10, 1997	<b>Examiner</b> Patrick J. Nolan	<b>Group Art Unit</b> 1644
<b>Invention:</b> Treatment of Diabetes			
<p style="text-align: center;"><b>Statement</b></p> <p>The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.</p>			
 Signature		Dated: February 16, 2004	
Lola A. Bartoszewicz Sim & McBurney 330 University Avenue 6th Floor Toronto, Ontario M5G 1R7		<div style="border: 1px solid black; padding: 5px;"><p>I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p><p>_____ Signature of Person Mailing Correspondence</p><p>_____ Typed or Printed Name of Person Mailing Correspondence</p></div>	
cc:			